

MICHIGAN ELECTION LAW (EXCERPT)

Act 116 of 1954

CHAPTER XI COUNTY AUDITORS

168.221 Scope of chapter.

Sec. 221. The provisions of this chapter shall apply only to counties electing county auditors by popular vote.

History: 1954, Act 116, Eff. June 1, 1955.

Popular name: Election Code

168.222 Repealed. 1999, Act 218, Eff. Mar. 10, 2000.

Compiler's note: The repealed section pertained to eligibility for office of county auditor.

Popular name: Election Code

168.223 Candidates for county auditor; nomination at primary.

Sec. 223. A primary of all political parties shall be held on the Tuesday succeeding the first Monday in August preceding the general November election in the year 1956 and every fourth year thereafter, at which time the qualified and registered electors of each political party may vote for party candidates for nomination for the office of county auditor. A primary of all political parties shall be held on the third Monday in February preceding the general April election in the year 1957 and every fourth year thereafter, and in the year 1959 and every fourth year thereafter, at which time the qualified and registered electors of each political party may vote for party candidates for nomination for the office of county auditor: Provided, That this section shall not apply to parties required to nominate candidates at conventions.

History: 1954, Act 116, Eff. June 1, 1955.

Popular name: Election Code

168.223a County auditor; term of office in counties over 1,000,000; abolition of office.

Sec. 223a. Notwithstanding the provisions of any general or local acts to the contrary, in any county now or hereafter having a population of 1,000,000 or more, any elected county auditor whose term of office expires on December 31, 1965, shall continue in office until December 31, 1966; any elected county auditor whose term of office expires on December 31, 1967, shall continue in office until December 31, 1968; any elected county auditor whose term of office expires on December 31, 1968, shall continue in office until December 31, 1970. Thereafter each county auditor shall be elected for a term of 6 years and until a successor shall be elected and qualified. If for any reason the office of county auditor is abolished before the expiration of the term of any county auditor, the term shall be deemed to have expired on the date the office was abolished. County auditors shall be nominated and elected in all respects in the same manner as provided by law for the nomination and election of other partisan county officers.

History: Add. 1965, Act 90, Imd. Eff. June 28, 1965.

Popular name: Election Code

168.224 Office of county auditor; nominating petitions; signatures; form; filing fee in lieu of nominating petitions; deposit of fee; refund; forfeiture of deposit.

Sec. 224. (1) To obtain the printing of the name of a person as candidate for nomination by a political party for the office of county auditor under a particular party heading upon the official primary ballots, there shall be filed with the county clerk nominating petitions signed by a number of qualified and registered electors residing within the county as determined under section 544f. Nominating petitions shall be in the form prescribed in section 544c. The county clerk shall receive nominating petitions up to 4 p.m. of the twelfth Tuesday preceding the August primary.

(2) To obtain the printing of the name of the candidate of a political party under the particular party's heading upon the primary election ballots in the various voting precincts of the county, there may be filed by the candidate, in lieu of filing nominating petitions, a filing fee of \$100.00 to be paid to the county clerk. Payment of the fee and certification of the name of the candidate paying the fee shall be governed by the same provisions as in the case of nominating petitions. The fee shall be deposited in the general fund of the county and shall be refunded to candidates who are nominated and to an equal number of candidates who received the next highest number of votes in the primary election. If 2 or more candidates tie in having the lowest number of votes allowing a refund, the sum of \$100.00 shall be divided among them. The deposits of all other

defeated candidates and of candidates who withdraw or are disqualified shall be forfeited and the candidates shall be notified of the forfeitures. Deposits forfeited under this section shall be paid into and credited to the general fund of the county.

History: 1954, Act 116, Eff. June 1, 1955;—Am. 1963, 2nd Ex. Sess., Act 36, Imd. Eff. Dec. 27, 1963;—Am. 1976, Act 3, Imd. Eff. Feb. 3, 1976;—Am. 1990, Act 7, Imd. Eff. Feb. 12, 1990;—Am. 1996, Act 583, Eff. Mar. 31, 1997;—Am. 1999, Act 218, Eff. Mar. 10, 2000.

Popular name: Election Code

168.225 Candidates for county auditor; withdrawal, notice.

Sec. 225. After the filing of nominating petitions or filing fee by or in behalf of a proposed candidate for the office of county auditor, such candidate shall not be permitted to withdraw unless a written notice of withdrawal is served on the county clerk or his duly authorized agent not later than 4 o'clock, eastern standard time, in the afternoon of the third day after the last day for filing such petitions, as in this act provided, unless the third day falls on a Saturday, Sunday or legal holiday, in which case the notice of withdrawal may be served on the clerk up to 4 o'clock, eastern standard time, on the next secular day.

History: 1954, Act 116, Eff. June 1, 1955;—Am. 1959, Act 173, Eff. Mar. 19, 1960.

Popular name: Election Code

168.226 Candidates for county auditor; death; selection of new candidate; ballots.

Sec. 226. When any candidate of a political party for the office of county auditor, after having qualified as a candidate, shall die, after the last day for qualifying, leaving such party without a candidate for the office of county auditor, a candidate to fill the vacancy thereby caused may be selected by the members of the county committee of such candidate's political party for the county, and the name of the candidate so selected shall be transmitted to the county officials required by law to print and distribute ballots, and such county officials shall cause to be printed a sufficient number of gummed labels or stickers bearing the name of the candidate, which shall be distributed to the various voting precincts within their respective counties, and the board of election inspectors of each such precinct shall cause 1 of such stickers to be placed on each ballot over the name of the candidate who has died before such ballot is handed to the elector.

History: 1954, Act 116, Eff. June 1, 1955;—Am. 1966, Act 322, Imd. Eff. July 19, 1966.

Popular name: Election Code

168.227 Candidates for county auditor; no candidate, write-in.

Sec. 227. If for any reason there is no candidate of a political party for county auditor, a blank space shall be provided on each of the official primary ballots which will afford every elector of said party an opportunity to vote for a candidate for such office by writing in the name of his or her selection or by the use of a slip or paster.

History: 1954, Act 116, Eff. June 1, 1955.

Popular name: Election Code

168.228 Candidates for county auditor; nomination, certification.

Sec. 228. The candidate of each political party for the office of county auditor receiving the greatest number of votes cast for candidates for said office, as set forth in the report of the board of county canvassers, based on the returns from the various election precincts, or as determined by said board as the result of a recount, shall be declared the nominee of that political party for said office at the next ensuing November election, and the board of county canvassers shall forthwith certify such nomination to the county election commission not later than 35 days prior to said ensuing election.

History: 1954, Act 116, Eff. June 1, 1955;—Am. 1963, 2nd Ex. Sess., Act 36, Imd. Eff. Dec. 27, 1963.

Popular name: Election Code

168.229 Candidates for county auditor; withdrawal after nomination.

Sec. 229. When a candidate of any political party has filed nominating petitions or filing fee for such office and has been nominated for said office by said party, he shall not be permitted to withdraw unless he has removed from the county or has become physically unfit. No vacancy shall be filled by the county committee except for the above causes and as herein specified: Provided, That this prohibition shall not be construed to prohibit the withdrawal of any candidate who has been nominated without having nominating petitions or filing fee and whose name has been written or placed on the ballot of any political party.

History: 1954, Act 116, Eff. June 1, 1955.

Popular name: Election Code

168.230 Candidates for county auditor; death, withdrawal or disqualification; selection of new candidate, certification; ballots.

Sec. 230. When the candidate of a political party, after having been nominated to the office of county auditor, shall die, withdraw as provided in section 229 of this act, remove from the county, or become disqualified for any reason, the county committee of such party shall meet forthwith and, by a majority vote of the members thereof, shall select a candidate to fill the vacancy thereby caused. The name of the candidate so selected shall be immediately certified by the chairman and the secretary of said committee to the county clerk and to the board of county election commissioners, and the board of county election commissioners, whose duty it is to prepare the official ballots, shall cause to be printed or placed upon such ballots, in the proper place, the name of the candidate so selected to fill such vacancy.

History: 1954, Act 116, Eff. June 1, 1955.

Popular name: Election Code

168.231 County auditor; election.

Sec. 231. A county auditor shall be elected at the general November election in the year 1956 and every fourth year thereafter, and in counties electing a county auditor in the spring, a county auditor shall be elected at the biennial spring election.

History: 1954, Act 116, Eff. June 1, 1955.

Popular name: Election Code

168.232 County auditor; certificate of determination by board of county canvassers.

Sec. 232. The board of county canvassers shall determine which candidate for county auditor received the greatest number of votes and shall declare such candidate to be duly elected. The said board shall forthwith make and subscribe on its statement of returns a certificate of such determination and deliver the same to the county clerk within 14 days following the date of the election.

History: 1954, Act 116, Eff. June 1, 1955.

Popular name: Election Code

168.233 County auditor; certificate of election; publication of certificate of determination and statement of votes.

Sec. 233. The county clerk shall file in his or her office and preserve the original statement and determination of the board of county canvassers of the results of the election and shall immediately execute and cause to be delivered to the person declared elected to the office of county auditor, a properly certified certificate of election, certified by him or her under the seal of the county. The county clerk may cause a copy of the certificate of determination, together with a statement of the votes cast at the election for these offices, to be published in at least 1 newspaper printed or circulated, or both, in that county.

History: 1954, Act 116, Eff. June 1, 1955;—Am. 1985, Act 162, Eff. Mar. 31, 1986.

Popular name: Election Code

168.234 County auditor; term of office.

Sec. 234. The term of office for county auditor shall be for 4 years, beginning on the first day of January next following the election, and until his successor is elected and qualified.

History: 1954, Act 116, Eff. June 1, 1955.

Popular name: Election Code

168.235 County auditor; oath of office, bond, deposit.

Sec. 235. Every person elected to the office of county auditor, before entering upon the duties of his office, shall take and subscribe to the oath as provided in section 1 of article 11 of the state constitution, and shall give bond in the amount and manner prescribed by law, and shall deposit said oath with the county clerk and said bond with the county treasurer.

History: 1954, Act 116, Eff. June 1, 1955;—Am. 1963, 2nd Ex. Sess., Act 36, Imd. Eff. Dec. 27, 1963.

Popular name: Election Code

168.236 County auditor; resignation, notice.

Sec. 236. Any person duly elected to the office of county auditor of any county who desires to resign shall file a written notice containing the effective date of such resignation with the presiding or senior judge of probate, county clerk and prosecuting attorney.

History: 1954, Act 116, Eff. June 1, 1955.

Popular name: Election Code

168.237 County auditor; vacancy, creation.

Sec. 237. The office of county auditor in any county in this state shall become vacant upon the happening of any of the following events: Death of the incumbent; his resignation; his removal from office for cause; his ceasing to be a resident of the county where his office is located; his conviction of an infamous crime, or an offense involving the violation of his oath of office; the decision of a competent tribunal declaring his election or appointment void; his refusal or neglect to take and subscribe to the constitutional oath of office and deposit the same in the manner and within the time prescribed by law; or his refusal or neglect to give bond in the amount and manner and within the time prescribed by law.

History: 1954, Act 116, Eff. June 1, 1955.

Popular name: Election Code

168.238 County auditor; removal from office; service of charges, hearing.

Sec. 238. The governor may remove any county auditor when he shall be satisfied from sufficient evidence submitted to him, as hereinafter provided, that such officer has been guilty of official misconduct, or of wilful neglect of duty, or of extortion, or habitual drunkenness, or has been convicted of being drunk, or whenever it shall appear by a certified copy of the judgment of a court of record of this state that such officer, after his election or appointment, shall have been convicted of a felony; but the governor shall take no action upon any such charges made to him against any such officer until the same shall have been exhibited to him in writing, verified by the affidavit of the party making them, that he believes the charges to be true. But no such officer shall be removed for such misconduct or neglect until charges thereof shall have been exhibited to the governor as above provided and a copy of the same served on such officer and an opportunity given him of being heard in his defense: Provided, That the service of such charges upon the person or persons complained against shall be made by handing to such person or persons a copy of such charges, together with all affidavits or exhibits which may be attached to the original petition if such person or persons can be found; and if not, by leaving a copy at the last place of residence of such person or persons, with some person of suitable age, if such person can be found; and if not, by posting it in some conspicuous place upon his last known place of residence. No officer who has been removed in accordance with the provisions of this section shall be eligible to election or appointment to any office for a period of 3 years from the date of such removal.

History: 1954, Act 116, Eff. June 1, 1955.

Popular name: Election Code

168.239 County auditor; appointment to fill vacancy; oath; bond; term.

Sec. 239. If a vacancy occurs in the office of county auditor, a qualified person shall be appointed to fill the vacancy by a committee consisting of the presiding or senior judge of probate, the county clerk, and the prosecuting attorney of the county, 2 of whom shall constitute a quorum. The person appointed shall take the oath of office, as provided in section 1 of article XI of the state constitution of 1963, give bond in the manner required by law, and hold office for the remainder of the unexpired term and until a successor is elected and qualified. However, if the next general November election is to be held more than 182 days after the vacancy occurs, and it is not the general November election at which a successor in office would be elected if there were no vacancy, the person appointed shall hold office only until a successor is elected at the next general November election in the manner provided by law and qualifies for office. The successor shall hold the office for the remainder of the unexpired term.

History: 1954, Act 116, Eff. June 1, 1955;—Am. 1963, 2nd Ex. Sess., Act 36, Imd. Eff. Dec. 27, 1963;—Am. 1968, Act 156, Imd. Eff. June 17, 1968;—Am. 1990, Act 7, Imd. Eff. Feb. 12, 1990.

Popular name: Election Code

168.240 County auditor; primary or election, recount of votes.

Sec. 240. The votes cast for any candidate for county auditor at any primary or election shall be subject to recount as provided in chapter 33 of this act.

History: 1954, Act 116, Eff. June 1, 1955.

Popular name: Election Code

168.241 County auditor; recall.

Sec. 241. Any person elected to the office of county auditor shall be subject to recall as provided in chapter 36 of this act.

History: 1954, Act 116, Eff. June 1, 1955.

Popular name: Election Code